

The House Committee on Appropriations offers the following substitute to HB 236:

A BILL TO BE ENTITLED
AN ACT

To establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to provide for the duties and responsibilities of the Legislative Sunset Advisory Subcommittee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, is amended by designating Code Sections 50-4-1 through 50-4-7 as Article 1 and by adding a new article to read as follows:

"ARTICLE 2

50-4-20.

This article shall be known and may be cited as the 'Georgia Government Accountability Act.' It is the intent of the General Assembly to establish a method by which the efficiency of state government shall be reviewed and the productivity of each agency evaluated. This article is meant to ensure that the valuable resources of the state are best utilized and that state agencies are held accountable for their service to the public and responsiveness to the needs of the citizens of this state.

50-4-21.

(a) The General Assembly shall establish the Legislative Sunset Advisory Subcommittee to be composed of five members of the House of Representatives appointed by the Speaker of the House who shall also be members of the House Zero Based Budget Subcommittee of the Appropriations Committee and five members of the Senate appointed by the President of the Senate. The members of the subcommittee shall serve two-year terms concurrent with their terms as members of the General Assembly. A cochairperson of the subcommittee shall be appointed by the President of the Senate from the membership of the subcommittee, and a cochairperson of the subcommittee shall be appointed by the Speaker of the House from the membership of the subcommittee. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of cochairperson of the subcommittee shall be filled for the unexpired term in the same manner as the original appointment. The subcommittee shall advise the General Assembly regarding the agency sunset provisions as required by this article by reporting to the House Zero Based Budget Subcommittee of the Appropriations Committee and the Senate Budget Committee as may be designated by the President of the Senate.

(b) In carrying out its function under this article, the subcommittee may request, through the cochairpersons, the assistance of any state agency or office. When so requested, a state agency and its personnel shall assist the subcommittee and may be required to appear before the subcommittee. The subcommittee or its designated staff member may inspect, review, and copy the records, documents, and files of any state agency. All information subject to public disclosure shall be made available for review and copying within three business days.

50-4-22.

(a) The Legislative Sunset Advisory Subcommittee shall review all state agencies, including all boards, departments, advisory committees, authorities, bureaus, offices, and any other state entity of the executive branch of state government regardless of its designation. The subcommittee shall be responsible for establishing a schedule for the routine review of all such state agencies. Each agency shall be scheduled for review a minimum of once every eight years. The Legislative Sunset Advisory Subcommittee shall have the discretion to add any agency to the review schedule or to modify an agency's scheduled review.

(b) Except as provided by this Code section, an agency subject to review by the Legislative Sunset Advisory Subcommittee shall be abolished on July 1 following the regularly scheduled session of the General Assembly which follows the report of review issued by

the subcommittee pursuant to Code Section 50-4-24 unless the legislature by law continues the agency; however, an agency shall not be abolished unless the General Assembly finds that the laws the agency is responsible for implementing or enforcing have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made for the transfer from the abolished agency to a successor agency of all duties, debts, and obligations, including those relating to bonds, loans, promissory notes, lease-purchase agreements, installment sales contracts, financing agreements, or any other form of indebtedness such that security therefor and the rights of bondholders or holders of other indebtedness are not impaired.

(c) The Legislative Sunset Advisory Subcommittee shall make a report and recommendation to the House Zero Based Budget Subcommittee of the Appropriations Committee and the Senate Budget Committee as provided in Code Section 50-4-24. If the General Assembly does not take action before the date of abolishment to continue the agency, the agency shall submit its legislative budget request consistent with the recommendations of the Legislative Sunset Advisory Subcommittee.

(d) Any agency established by constitutional provision shall not be subject to automatic abolishment as provided in subsection (a) of this Code section. Following the review and recommendations of the Legislative Sunset Advisory Subcommittee, the House Zero Based Budget Subcommittee of the Appropriations Committee and Senate Budget Committee shall review the constitutionally established agency in the same manner and shall report to the General Assembly any recommended constitutional amendments needed for the reorganizing or abolishing of such constitutionally created agency.

(e) Any board, commission, advisory council, or similar body included in the term 'agency' as defined in Code Section 50-4-1 which has not held an open public meeting for a period of more than 12 months shall be considered automatically abolished without the need for further agency review as required by this article. The Legislative Sunset Advisory Subcommittee shall be responsible for presenting legislation to repeal existing statutory provisions relating to the abolished agency.

(f) Except as may otherwise be expressly provided by law, abolishment of a state agency shall not affect the rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the abolishment.

50-4-23.

(a) Not later than 90 days following a request by the Legislative Sunset Advisory Subcommittee, an agency shall provide the subcommittee with a report outlining the agency's efficiency and productivity and the extent to which the agency utilizes state resources to best meet the needs of the public.

- (b) The report required by this Code section shall, at a minimum, include the following:
- (1) A comprehensive list of state programs and services performed by the agency, including all special purpose activities undertaken to realize identifiable goals and objectives in order to achieve the agency's mission and legislative intent;
 - (2) An accounting of state resources spent by the agency;
 - (3) An explanation of factors that have contributed to any failure to achieve legislated standards or directives;
 - (4) The extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which public participation has resulted in rules compatible with the objectives of the agency;
 - (5) A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity are intended to address, and the extent to which these objectives have been achieved;
 - (6) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which those programs can be consolidated with those of other agencies;
 - (7) A self-examining assessment of the agency's efficiency and areas of needed improvement, including goals and objectives for improvement, and the means by which the agency intends to meet these goals and objectives;
 - (8) Recommendations for statutory or budgetary changes that would improve the agency's programs and operations, reduce costs, or improve services to state residents;
 - (9) The effect of federal intervention or loss of federal funds if the agency, or any of its programs or activities, is abolished;
 - (10) An assessment of alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public interest;
 - (11) A detailed summary of the agency's hiring and retention patterns for the previous five years;
 - (12) An assessment of the extent to which the agency has corrected any deficiencies and implemented recommendations contained in any state or federal audits or court decisions;
 - (13) A list of all advisory committees and boards, whether established in statute or by the agency; their purposes, activities, composition, and expenses; and an assessment of the extent to which their purposes have been achieved and the rationale for continuing or eliminating each advisory committee or board;
 - (14) A list of agency programs or functions that are performed without specific statutory authority; and

(15) Other information as requested by the subcommittee or any study committee created under the subcommittee's direction.

(c) Information and data reported by the agency shall be validated by the agency's chief executive before submission to the subcommittee.

50-4-24.

(a) No later than six months following the Legislative Sunset Advisory Subcommittee's request for a report from an agency pursuant to Code Section 50-4-23, the subcommittee shall:

(1) Review the information submitted by or concerning the agency;

(2) Consult with or hear testimony from any individual, agency, private company, or other expert as needed;

(3) If the subcommittee deems necessary, hold public hearings to consider this information as well as testimony; and

(4) Present to the House Zero Based Budget Subcommittee of the Appropriations Committee and the Senate Budget Committee or other standing budget committees of the General Assembly as required by the President of the Senate or the Speaker of the House of Representatives a report of review on an agency reviewed by the subcommittee. In the report of review, the subcommittee shall include its specific findings and recommendations regarding each agency reviewed and indicate whether a public need exists for the continuation of an agency or for the functions of the agency.

By majority vote, the subcommittee may extend the time provided for review of an agency if the subcommittee determines that additional time for review is needed to adequately evaluate an agency.

(b) The subcommittee shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or agency function:

(1) The efficiency with which the agency operates;

(2) The statutory objectives of the agency and the problem or need that the agency is intended to address, the extent to which the objectives have been achieved, and any activities of the agency in addition to those granted by statute and the authority for these activities;

(3) An assessment of less restrictive or alternative methods of providing any regulatory function for which the agency is responsible while adequately protecting the public;

(4) The extent to which an advisory committee or board is needed or used;

(5) The extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the

programs administered by the agency can be consolidated with the programs of other agencies;

(6) Whether the agency has recommended to the legislature statutory changes calculated to be of benefit to the public;

(7) The promptness and effectiveness with which the agency responds to the public's complaints and the extent to which the agency has encouraged participation by the public in making its rules and decisions;

(8) The extent to which the agency has satisfied requirements of state law, safeguarded public health, safety, and welfare, and utilized state resources;

(9) The extent to which the agency accurately reports performance measures used to justify state spending on each of its activities, services, and programs;

(10) The effect of probable federal intervention or loss of federal funds if the agency or an agency function is abolished; and

(11) The extent to which changes are necessary in the enabling statutes of the agency so that the agency can adequately comply with the criteria of this article.

(c) In its report of review, the subcommittee shall make recommendations to the House Zero Based Budget Subcommittee of the Appropriations Committee and the Senate Budget Committee on the abolition, continuation, or reorganization of such agency and on the need for the continuation of the functions of the agency. The report of review shall also make recommendations on the consolidation, transfer, or reorganization of an agency's programs when those programs are duplicated by another agency.

(d) It shall be the responsibility of the Legislative Sunset Advisory Subcommittee to prepare drafts of legislation necessary to carry out the subcommittee's recommendations."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.